Remarks

Reconsideration of this Application is respectfully requested. Claims 1-4, 6-13, 15-20, and 22-35 are pending in the application, of which claims 1, 10, 18, 25, and 29 are independent. Claims 1-4, 6-13, 15-20, and 22-30 are sought to be amended. Claims 31-35 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 102

The Examiner, on page 4 of the Final Office Action, has rejected claims 1-3, 5-12, and 14-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,748,807 to Lopresti *et al.* (hereinafter "Lopresti"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

Please note that Applicants cancelled claims 5, 14, and 21 in a previous Response, and therefore, the rejection of claims 5, 14, and 21 is rendered moot.

With regard to independent claim 1, Lopresti does not teach or suggest every element of Applicants' claimed invention. For example, Lopresti does not teach or

suggest Applicants' claimed elements of: "obtaining a scanned handwritten command mark written with a conventional writing implement onto a conventional medium, wherein the conventional writing implement includes at least one of a pen and pencil and wherein the conventional medium includes at least one of a piece of paper, cardboard, plastic, metal, or cloth" and "recognizing the scanned handwritten command mark as a command that may be executed by a processor, wherein the scanned handwritten command mark is recognized only if the scanned handwritten command mark is placed in a specified area of the medium."

The Examiner states that Lopresti teaches "obtaining a scanned [handwritten] command mark written with a conventional writing implement onto a conventional medium[, wherein the conventional writing implement includes at least one of a pen and pencil and wherein the conventional medium includes at least one of a piece of paper, cardboard, plastic, metal, or cloth]" in the Abstract. Applicants respectfully disagree. Unlike the present invention, Lopresti teaches that the marker is generated by a computer. Lopresti, Abstract; col. 6, lines 39-41; col. 6, line 59; col. 7, lines 3-6. In fact, Lopresti teaches away from the present invention because the process of generating the marker in Lopresti requires no human intervention, with only a small computation cost. *Lopresti*, col. 6, lines 39-41. Also, the marker in Lopresti can be printed using a special font, bar code or other symbology which may or may not be readable to the human user. *Lopresti*, col. 6, lines 51-55. Thus, unlike the present invention, which teaches that "[the] handwritten command mark [is] written with a conventional writing implement onto a conventional medium", Lopresti teaches a marker generated by a computer.

The Examiner also states that Lopresti teaches Applicants' element of "recognizing the scanned [handwritten] command mark as a command that may be executed by a processor, wherein the [scanned handwritten] command mark is recognized only if the [scanned handwritten] command mark is placed in a specified area of the medium." Applicants respectfully disagree. The command mark in Applicants' invention and the marker in Lopresti are not the same. In fact, as stated above, the command mark is handwritten with a conventional writing implement. Unlike the present invention, the marker in Lopresti, which is a special font, bar code or other symbology, is computer generated.

Thus, for at least the foregoing reasons, Applicants respectfully submit that independent claim 1 and the claims that depend therefrom (claims 2-4, 6-9, and new claims 31-34) are not anticipated by Lopresti. Independent claims 10, 18, 25, and 29 include similar language as that recited in claim 1. Thus, for at least the foregoing reasons, Applicants respectfully submit that independent claims 10, 18, 25, and 29, and the claims that depend therefrom (claims 11-13, 15-17, and 35; 19-20 and 22-24; 26-28; and 30, respectively) are also not anticipated by Lopresti. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 1, 10, 18, 25, and 29, and the claims that depend therefrom respectively.

Rejection under 35 U.S.C. § 103

The Examiner, on page 6 of the Final Office Action, has rejected claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,897,648 to Henderson as applied to claim 2 above, and further in view of U.S. Patent No. 5,768,418

to Berman. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 4 and 13 depend from independent claims 1 and 10, which are patentable for at least the reasons stated above. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 4 and 13.

The Examiner, on page 6 of the Office Action, has rejected claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,748,807 to Lopresti *et al.* (hereinafter "Lopresti") and U.S. Patent No. 5,897,648 to Henderson. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

For all of the reasons stated above with respect to claim 1, Lopresti does not teach instructions to "obtain handwritten stroke data that corresponds to a command mark" and "recognize the handwritten stroke data as an executable command, wherein the handwritten stroke data is written onto a surface of a digital ink capture pad and wherein the stroke data is recognized only if the stroke data is written on a specific area of the digital ink capturing device." Furthermore, Henderson does not solve the deficiencies of Lopresti. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 29, and the claim that depends therefrom (claim 30).

New Claims

New dependent claims 31-35 depend from independent claims 1 and 10 respectively, and therefore, are patentable for at least the reasons stated above.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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Dated: March 3, 2006

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On: 3/3/2006

Signature _Julie Dussault_   3/3/2006

Julie Dussault   Date